

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

CELANESE CORPORATION,

Plaintiff,

vs.

HARTFORD ACCIDENT AND INDEMNITY
COMPANY; CONTINENTAL CASUALTY
COMPANY; and TRANSPORTATION
INDEMNITY COMPANY,

Defendant(s).

CA No. 7:15-4453-TMC

**SECOND CONSENT AMENDED
SCHEDULING ORDER**

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules, the following schedule is further amended for this case.

1. Within sixty (60) days of the date of this Scheduling Order, the parties will submit a report to the Court on the status and progress of discovery.
2. Plaintiff shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **November 18, 2016** (Fed. R. Civ. P. 26(a)(2)).¹
3. Defendants shall file and serve a document identifying by full name, address, and telephone number each person whom Defendants expect to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **December 15, 2016** (Fed. R. Civ. P. 26(a)(2)).

¹ Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions; (c) any exhibits to be used as a summary of or support for the opinions, and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report is a report has been prepared.

4. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **December 15, 2016**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3).
5. Discovery shall be completed no later than **January 19, 2017**. Discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph.

(The parties may, with the consent of all counsel, conduct discovery up to the time of trial, provided the deadlines in this order are not affected.)

6. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later than **February 2, 2017**. (See Fed. R. Civ. P. 16(b)(2)). See below ¶ 9 for motions in limine deadline.
7. Mediation shall be completed in this case on or before **January 26, 2017**. See Mediation Order filed on 12/16/15 for mediation requirements [Doc. 10].
8. No later than **April 20, 2017**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and serve Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6).
9. Motions in limine must be filed at least two weeks prior to date of trial.
10. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. (See Local Civil Rule 26.07).
11. This case is subject to being called for jury selection and trial on or after **May 23 2017**.

A request for a continuance of the trial date must be agreed to and signed by the party and his attorney requesting and/or consenting to the continuance.

The court directs the parties' attention to Local Rule 7.00 which governs motion practice. Hearings on motions are not automatic. The court may decide motions without a hearing. If a party opposes a motion which has been filed, that party must file a response to the opposed motion within fourteen (14) days of the date the motion was filed. If no such response in opposition is filed, the court will assume that the party consents to the court's granting the motion.

Any motions pending on the date of the Bar Meeting will be heard at the Bar Meeting and you should be prepared to argue them at that time.

NOTICE: You are expected to be available for trial of this case from May 23, 2017, through June 2017 unless the court notifies you of a later date. If you presently have a conflict during this time period, notify the court in writing within seven (7) days of the date of this order. You will not be excused without leave of court.

s/Timothy M Cain
United States District Judge

August 15, 2016
Anderson, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.